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An Appeal to Justice

*The Injustice
of the
Proposed Initiative
Measure*



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Stockton, California**

An Appeal to Justice

There are now being circulated petitions for an important initiative measure. This measure is directed against all peoples from Asia, but especially the Japanese. Its object is:

1. Absolute prohibition of land ownership by Japanese.

2. Absolute prohibition of leasing of farm land by Japanese.

3. Prohibition of the American-born Japanese minor, an American citizen, from acquiring real property under the guardianship of his or her own parent. To put it another way, the Japanese parent is prohibited from being the guardian to his or her own minor son or daughter acquiring real property.

4. Prohibition of the Japanese from becoming a member of, or acquiring any share in, any company or corporation owning farm land.

5. The confiscation of real property upon certain prima facie presumptions.

These are the main points of the proposed measure, which, for severity and harshness, has no equal. Around these main points are wound detailed provisions, all evidently conceived in the idea that the Japanese should not be permitted to till the soil, that they should play no part in the development of California's agricultural resources—except as wage laborers.

Obviously these extreme proposals involve the question of constitutionality. Strong argument can be advanced against them upon the ground that they are unconstitutional.

To us, however, the prime consideration is not a legal one, but one of justice and equity.

In our judgment, and we trust, in the judgment of all true Americans, this proposed

legislation is an infringement upon the fair play and square deal traditional with the American nation.

The people of Japan, for two generations, have been taught friendship and good-will for the people of America. They have fostered respect for the ideals and institutions of the United States. Your great emancipators, your champions of liberty and equality have been idols of our students and young men. Your missionaries have preached to us not only the Christian gospel of brotherhood but the American ideals of equality and equity.

We know that the constitution of the United States guarantees to all "persons" under the American flag the equal protection of laws. We have believed, as we still believe, that this is a promise of protection for the homes and fortunes of all who come here under the law and under the treaty to help develop your great resources by their labor and enterprise.

In the face of all this, it is hard for us to believe that the present agitation against us has the sanction of Americanism—that it springs from the heart of the true American.

We know that there is no trouble between Americans and Japanese who come in direct and intimate contact with each other. Americans who employ or are employed by Japanese have no complaint against us. American business men and bankers who have dealt with Japanese have little to say against us. American workmen are willing and eager to work for Japanese. They work harmoniously and friendlily side by side with Japanese laborers. Why allow outsiders, who know little about us, who have their own axes to grind, to stir up ill-feeling and animosity where there is no cause for them?

We recognize that racial difference engenders a race feeling. But no one will deny that this is a feeling which should not be fostered or deliberately stirred up. All sensible men will agree that it is criminal to exploit that feeling for ulterior purposes.

The hope of our age lies in the effort to minimize race feeling. Its spirit, its ideal, its tendency is not to emphasize, but to alleviate racial difference. If we make business of fanning and feeding race feeling, there can be no hope of international peace, and all efforts for a league of nations must be set at naught. Surely race feeling should not be injected where there is no occasion for it.

Permit us to repeat that between Americans, who deal with Japanese, and Japanese, who deal with Americans, there exists little or no cause of trouble. Is it the part of wisdom to permit outsiders to create discord where harmony prevails?

We wish it clearly understood that we advocate nothing akin to free immigration. On the contrary, we recognize the wisdom of restricting Japanese immigration. We, therefore, believe that the "gentlemen's agreement" is a wise arrangement. If there be any doubt as to its interpretation or its enforcement, there should be frank and straightforward exchange of views between the two governments.

With this in view we took the initiative in stopping the arrival of "picture brides." Need we say that our minds are always open to friendly, reasonable suggestions and advices calculated to improve our relations with our neighbors?

Our only contention is that those Japanese who, comparatively small in number, are already here, should be treated justly and equitably. A policy of discrimination and persecution will merely complicate the question and render its solution all the more difficult.

We have not neglected to foster Americanism among the Japanese in California. We have always coöperated with the American authorities or organizations in the Americanization movement. We have issued circulars and pamphlets, and sent out lecturers, explaining to the Japanese throughout the state what American ideals stand for.

The Japanese in California never fail to respond, and respond heartily, whenever they

are called upon to shoulder their share in patriotic or charitable enterprises. Their economic activities have been deeply curbed by various devices, legislative, and otherwise, making it extremely difficult for them to improve their financial status, and yet they have never shirked their duty in regard to any undertaking calculated to advance public welfare.

The proposed initiative measure, outlined at the outset, will, if adopted, condemn the Japanese in California to a status little better than that of slaves or serfs. It will deprive them of all opportunity for material progress and economic advancement. It will render it impossible for them to provide for the future of their American-born children who are going to remain here as American citizens. Is it wise, is it in conformity with the American tradition of fair play, is it calculated to promote America's own welfare, that such a law should be adopted, virtually compelling the Japanese in California to fling upon the world, upon the American community, their sons and daughters, unprovided, and ill-trained to perform duties as members of a body politic of which these American-born children are destined to be a factor?

As we listen to the passing storm of passion, of denunciation, of abuse and slander, we ask ourselves if we were mistaken in our belief in your honor, in our faith that you would not strip us of the protection of the common law of equity and deny us the equal protection of your laws.

It is a painful question. We are few in numbers, defenseless except by the truth. You are a myriad in numbers and strong. You are taught at your altars to love your neighbors and that it is a scarlet sin to bear false witness against them. Surely you would not heed those who make business of spreading falsehoods about us, and urge you to persecute your peaceable, industrious, and law-abiding neighbors such as the Japanese?

Our good opinion of you and your country may seem of little value to you. But it has

been of great value to us. It has guided us on our hard march onward for the past sixty years. It was a march to which your land summoned us, with promise of peace and friendship at its end. If you listen to enemies of the world's good order, and deny us that promise which we have followed as a great light, how can you summon others to trust you?

Many of the foregoing statements undoubtedly require elucidation and amplification. Some should be supported by statistical data. Perhaps, too, there should be an explanation of Japanese laws concerning the expatriation of Japanese abroad and the rights of aliens in Japan, for these Japanese laws are much more liberal than are commonly known to you.

But we feel it advisable to make this appeal as brief as possible. With that consideration in mind we have deliberately omitted such data as might otherwise well have been included herein. But the Japanese Association, whose headquarters are at 444 Bush Street, San Francisco, will undoubtedly be glad to supply any one interested in this question with such information as it possesses or may be able to obtain.

GEORGE SHIMA.